

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	3 rd December 2019
Address/Location:	Former Interbrew, Eastern Avenue, Gloucester GL4 6SW
Application No:	18/01444/FUL
Ward:	Barnwood
Expiry Date:	12.03.2019 Time Extension Agreed
Applicant:	C/O Agent
Proposal:	Demolition of vacant buildings and comprehensive redevelopment for employment units falling within Use Classes B1, B2 and B8 (totalling 9,574 sqm); a DIY retail warehouse within Use Class A1 (4,703 sqm); a 44 bedroom hotel within Use Class C1 with associated restaurant/pub within Use Class A3/A4 (2,018 sqm); and a drive-thru restaurant within Use Class A3/A5 (totalling 255 sqm); together with associated car parking, servicing and access; landscaping and all associated works.
Report by:	Caroline Townley
Appendices:	Site Location and Layout Plan. Retail advice letters from Avison Young dated February 2019 and 5 th June 2019. Letters from WYG on behalf of Peel Land & Property Investments PLC and Gloucester Quays LLP dated 4 th February 17 th May and 10 th July 2019.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located immediately to the north of Eastern Avenue/Metz Way junction. The 5.29 hectare site is roughly square shaped and fronts onto Eastern Avenue along the south eastern boundary. The site is bounded by Metz Way to the south west, with the railway embankment to the North West, (with development at the Railway Triangle beyond), and the Chancel Close access road and other industrial units to the north east.
- 1.2 The site comprises vacant warehouse buildings and associated office space. The main building is L-shaped in footprint and is situated on the north part of the site. It comprises two warehouse units, an open canopy area and two storey offices and amounts to a gross internal area of circa 13,745 sq. metres.
- 1.3 The site fronts onto and is accessed from Eastern Avenue with a secondary access from Chancel Close. The site is located in a predominately commercial area with retail uses, including the existing Homebase store along the opposite side of Eastern Avenue.
- 1.4 The site was previously operated by Whitbread drinks company and its successors as a distribution centre to the trade but has been vacant since September 2017.
- 1.5 The application as originally submitted comprised of the following elements:
- Six employment units (Use Class B1/B2/B8 industrial/warehouse units
 - A building which could be used for either a Class A1 DIY retail store or, alternatively, five separate Class B8 trade counter units.
 - A 44 bed hotel with associated pub/restaurant area; and
 - A Class A3/A5 restaurant/take-away unit.

- 1.6 The planning Statement stated that the proposed 4,703sq m unit was originally designed to accommodate a Homebase/Bunnings DIY store although on the basis that occupation by a DIY use is currently was not certain, the building had been designed in such a way that it could be sub-divided into 5 separate units operating as Class B8 trade counter units. However, the description of development was subsequently amended to remove reference to the five separate trade counter units and has now fixed the DIY retail unit.
- 1.7 The amended application seeks full planning permission for the demolition of vacant buildings and comprehensive redevelopment for employment units falling within Use Classes B1, B2 and B8 (totalling 9,574 sqm); a DIY retail warehouse within Use Class A1 (4,703 sqm); a 44 bedroom hotel within Use Class C1 with associated restaurant/pub within Use Class A3/A4 (2,018 sqm); and a drive-thru restaurant within Use Class A3/A5 (totalling 255 sqm); together with associated car parking, servicing and access; landscaping and all associated works. A total of 389 car parking spaces and 106 cycle spaces are also proposed.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
P/1049/71	Circular 49/63. Use of existing buildings & undeveloped land for general or light industrial purposes or alternatively, change of use of all the existing buildings to offices.	Observations	01.12.1971
P/25/74	Change of use to distribution depot. Erection of office accommodation and layout of car parking.	Granted	09.10.1974
	Various historic applications relating to the use of the site as a distribution depot between 1974 and 1998.		
95/00095/FUL	Formation of additional car parking spaces with associated landscaping.	Granted	22.03.1995
96/00262/FUL	Extension to warehouse. Formation of lorry park, relocation of derv tanks and use of part of existing lorry park for open storage.	Granted	24.10.1996
98/00652/FUL	Alterations to facade of offices.	Granted	30.11.1998
13/00689/EIA	Screening Opinion request - Redevelopment of site for wholesale/retail warehouse club and associated parking and servicing	Screening opinion issued.	17.07.2013
13/01261/OUT	Redevelopment of existing warehousing and distribution site to provide Wholesale / Retail Warehouse Club (circa 13,025 square metres gross), creation of new signalised access and junction on Eastern Avenue, laying out of associated vehicle parking (circa 612 spaces) and associated servicing space, and servicing (outline application - means of access offered for consideration; appearance, landscaping, layout and scale reserved for future consideration)	Granted outline planning permission.	20.08.2014
19/00116/EIA	Environmental Impact Assessment (EIA) screening opinion.	Screening opinion issued.	20.03.2019

3.0 **RELEVANT PLANNING HISTORY**

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 The NPPF includes relevant policy on;

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.
- Requiring good design and promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment

3.4 **Development Plan**

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS (Main Modifications) include:

SP1 - The need for new development

SP2 – Distribution of new development

SD1 – Employment – Except Retail Development

SD2 – Retail and City/Town Centres

SD3 – Sustainable design and construction

SD4 – Design requirements

SD6 – Landscape

SD8 – Historic Environment

SD9 – Biodiversity and geodiversity

SD14 – Health and Environmental Quality

INF1 –Transport network

INF2 – Flood risk management

INF3 – Green Infrastructure

INF5 – Renewable Energy/Low Carbon Energy Development

INF6–Infrastructure delivery

INF7 – Developer contributions

3.5 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.6 **Emerging Development Plan**

Gloucester City Plan

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited- moderate weight in

accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies include:

- A1 – Effective and efficient use of land and buildings
- B3 – New employment development and intensification and improvements to existing employment land
- C1 – Active design and accessibility
- C5 – Air quality
- D1 – Historic environment
- E2 – Biodiversity and geodiversity
- E4 – Trees, woodlands and hedgerows
- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles
- G3 – Cycling
- G4 – Walking

3.7 Other Planning Policy Documents

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

- S.4a – New Retail Developments outside of Designated Centres
- BE.11 – Shopfronts, Shutters and Signs
- E.4 – Protecting Employment Land
- S.9 – New District and Local Centres
- S.10 – District Centres

3.8 All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 CONSULTATIONS

- 4.1 **Highway Authority** – No highway objection subject to conditions and to a S278 agreement for the highway works including; the signalised junction, footway and cycleway connections and new bus stop infrastructure on Metz Way north and south of Eastern Avenue junction. A contribution of £10,000 is sought for a Travel Plan monitoring fee. A stopping up order will be required for existing highway on the existing service along Eastern Avenue adjacent to the site.
- 4.2 **City Archaeologist** – The site has been subject to archaeological evaluation. That investigation identifies no significant heritage assets of archaeological interest.
- 4.3 **Lead Local Flood Authority (LLFA)** – The applicant has demonstrated that the drainage strategy meets current industry standards and the LLFA therefore raises no objection to the proposal.

- 4.4 **Drainage Advisor** - No objection to the proposals. There is sufficient detail on the drainage drawing so as not to require a detailed design condition, but a maintenance plan is required. The maintenance plan should be a stand-alone document and can be secured by condition.
- 4.5 **Arboriculturist** – No objection to the amended landscape scheme subject to conditions.
- 4.6 **Landscape Advisor** – The amended plans have introduced more species and trees and shrubs and are satisfactory.
- 4.7 **Contaminated Land Adviser** - Satisfied that the geo environmental assessment has been undertaken in accordance with current guidelines and follows good practice and protocol and agree with the recommendations for further works and the development of a remedial strategy. No objection subject to the inclusion of conditions.
- 4.8 **City Centre Improvement Officer (Environmental Protection)** – Agree with the findings and recommendations of the submitted Noise Assessment. The submitted Air Quality Assessment deals with the evaluation of potential effects, road traffic emissions, mitigation measures. A Construction Dust Assessment has been undertaken which recommends the preparation of a Construction Method Statement. No objection to the application subject to the inclusion of conditions.
- 4.9 **Urban Design Adviser** – The pub has been reoriented and the car parking reduced slightly. The appearance of the drive-thru has been amended to a more contemporary design. The appearance of this building remains generic but is more in keeping with the rest of the site. Tree planting and landscaping have been added to the large parking areas for the retail unit which has addressed previous concerns. The visual appearance of all buildings except the pub have been amended so that they are more cohesive.

The appearance of the scheme as a whole has improved and the Urban Design Advisor is satisfied that the proposals are in keeping with the character of the area and appear more cohesive and are considered to be in line with Policy SD4 of the JCS and policies in the NPPF. No objection subject to the inclusion of a condition requiring the submission and approval of samples of the proposed materials.

- 4.10 **County Council Strategic Infrastructure (Minerals & Waste Policy)** – A Waste Minimisation Strategy is submitted in support of the application and the approach to waste reduction measures in the strategy covering site preparation is reasonable and broadly satisfies this element of waste minimisation. Nevertheless, the strategy is not comprehensive and does not cover the construction and the occupation stages. The scale and nature of the proposal has the potential to generate a noteworthy amount of waste and therefore demonstrable commitments should ideally be made to minimise this through: - a combination of promoting efficient resource use and waste material re-use in construction; a preference towards procuring and using materials with a high recycled content; and facilitating widespread, high quality commercial recycle collection. No objection is raised subject to the inclusion of conditions.
- 4.11 **Policy Officer** – On the basis of the advice received from the City Council's specialist retail consultant no policy objection is raised.

5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbouring properties were notified and press, and site notices were published.
- 5.2 Two letters of objection have been received from WYG Planning on behalf of Peel Land and Property Investments Plc and Gloucester Quays LLP. The letters raise the following objections:

Application of the sequential test

- Planning permissions were granted in 2017 for the redevelopment of the former Cineworld cinema building and two A3 units at the Peel Centre to provide 9,518 sq m gross Class A1 retail floorspace with four new Class A1 retail warehouse units. Phase 1 involved the demolition of the A3 units and the erection of the new Next store. Completion of Phase 2 is subject to securing occupier/s and involves the conversion and extension of the former cinema building into retail warehousing with a total of 5,303 sq. m gross retail floorspace.
- The Peel Centre also contains existing vacant units comprising the former Toys R Us store (Unit 1 – 4,944 sq m gross) and Unit 4B (836 sq m). The existing vacant units together with the Phase 2 development would provide a total of 11,083 sq. m of retail floorspace which is currently being marketed. All the units/floorspace are currently being marketed by Peel and their commercial agents.
- Paragraphs 86 and 87 of the NPPF require the Local Planning Authority to apply the Sequential Test to planning applications for main town centre uses.
- The proposed development is well out-of-centre, being some 1.71km from the City centre's primary shopping area, with no connections to the City centre. It is unable to offer linked walking trips or connection with the City centre. The Peel Centre is located adjacent to the defined City centre boundary and just circa 750 metres walking distance from the City centre's defined primary shopping area. It is served by a choice of means of transport and benefits from an attractive, active, accessible, legible and well-trodden pedestrian link/route through the Historic Docks into the primary shopping area.
- In accordance with paragraph 87 of the NPPF, the Peel Centre, is well connected to the city centre and is therefore a sequentially preferable out-of-centre retail location to the application site. Accordingly, there is a requirement for vacant units and unimplemented planning permissions at the Peel Centre to be duly considered as part of a supporting sequential approach assessment.
- Unit 1 (former Toys R Us unit) and Unit 4B (former Pine Warehouse unit) are currently vacant and immediately available. Unit 1 measures 4,944sq m gross which is very similar in size to the proposed DIY store (4,600sq m gross). Planning permission could easily and quickly be sought for alterations to the unit to accommodate the garden centre and additional floorspace at mezzanine level.
- Phase 2 of the cinema building retail conversion/extension (5,303sq m gross) also involves a similar level of floorspace to the proposed DIY store and garden centre. Phase 2 could accommodate any combination of retail (or leisure) unit sizes above 929sq m. Again, planning permission for a garden centre and required external elevation alterations could be obtained quickly and within a reasonable period.
- A number of retail (or leisure) units at the sequentially preferable Peel Centre are suitable for the proposed development and are available or can be available within a reasonable period. Accordingly, the proposed development at the former Interbrew site fails the sequential approach retail policy test and; under paragraph 90 of the NPPF there is therefore a presumption of refusal.

Impact on key city gateway site and Council's policy aspirations for canalside

- The Peel Centre is a considerable asset to the City and following the completion of St Ann Way bridge is a key city gateway site. There is a real prospect that the cinema building will remain vacant for the foreseeable future, if it is not given preference to other out-of-centre retail/leisure parks. As a result, the remainder of the Peel Centre is likely to suffer and the established linked trips from the Peel Centre to the City centre and associated knock on benefits will diminish.
- The approved proposals for conversion of the cinema to retail were considered to be key in improving this part of the public realm canal side corridor and helping to meet the Council's policy aspirations. If Phase 2 of the proposals cannot proceed due to lack of occupiers, this will have a significant harmful impact on the Council's policy aspirations for the canal-side.

- The proposals clearly do not comply with the sequential test of the NPPF and will prejudice the re-occupation of existing and proposed units/space at the sequentially preferable Peel Centre. There is therefore no sound basis in which to approve the planning application.

Following further submissions from the applicant WYG has re-confirmed that their client has no policy against having a DIY or bulk comparisons goods operator at the retail park and would be willing to accommodate an operator in either the vacant former Toys R Us unit or the cinema conversion/extension floorspace.

5.3 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

Retail Policies

6.5 The proposed A1 retail use is defined as a main town centre use by the National Planning Policy Framework. Policy SD2 of the Joint Core Strategy sets out the requirements for new retail floorspace in Gloucester. The Policy identifies the Primary Shopping Area, primary and secondary frontages and the City Centre boundary, and which uses will be supported in the different locations. The application site is located outside of the City Centre boundary and primary shopping area boundaries.

6.6 Policy SD2 provides that proposals for A1 retail development located outside of the Primary Shopping Area will be assessed in accordance with the sequential test and impact test as set out in the National Planning Policy Framework and Planning Practice Guidance. This provides that proposals for retail and other main town centre uses that are not located in a designated centre, will be robustly assessed against the requirements of the sequential test and impact test. The Council has commissioned a retail consultant, Avison Young, to advise on the retail considerations and the consultant's advice is included in relevant sections of the report

6.7 The current application is supported by the following retail information from JLL:

- Retail Impact Assessment (November 2018).
- Retail Sequential Assessment (November 2018).
- Retail Response (April 2019).
- Letter dated 19th June 2019 responding to representations from WYG on behalf of Peel Land & Property Investment Plc and Gloucester Quays LLP dated 17th May 2019.

- Letter dated 17th September 2019 amending the description of development.

Sequential Test

- 6.8 The sequential requires ‘town centre uses’ to be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered. It follows that when considering edge and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre, (NPPF Section 7 – Ensuring the vitality of town centres, paragraphs 85-90). Assessments should be undertaken on a ‘fascia blind’ basis, i.e. based on the broad type of retailing proposed, rather than a particular occupier.
- 6.9 The application site lies outside of both the primary shopping area and City Centre boundary as shown on the policies map of the JCS and any local/district centre as identified in the 2002 Local Plan. Consequently, there is a need to consider whether there are any suitable and available premises in sequentially preferable locations that can accommodate the three main town centre use elements of the proposal; the DIY store, the hotel/restaurant/public house and the restaurant/take-away, taking into account the national policy requirement for flexibility in scale and format.
- 6.10 The applicant initially identified 48 alternative sites and premises within a ‘long list’ and has reduced this down to a ‘short list’ by excluding sites/premises which are below the minimum site size requirements for each of the proposed uses. The applicant has pursued an assessment which disaggregates the three main town centre land use elements. The specific requirement for disaggregation of main town centre use proposals was removed in the 2012 and 2018 versions of the NPPF and it is currently a ‘grey area’ as to whether such an approach should be pursued in appropriate circumstances. Some recent Inspector appeal decisions have suggested that disaggregation should be pursued in appropriate circumstances although the Inspector’s report to the Secretary of State in relation to The Mall extension indicated that:
- “an approach that involves disaggregation does not seem to me to fit well with the Aldergate Properties or Warners Retail judgements referred to above. The town centre uses in the application proposals would comprise the retail and leisure uses and to divide them up would change the broad nature of the development in this case”.*
- 6.11 Based on the requirements of the NPPF and the above Inspector’s report to the Secretary of State, Avison Young consider that alternative sites and premises should be based on their ability to accommodate the all of the proposed ‘main town centre uses’, comprising the hotel/restaurant, restaurant/take-away and the Class A1 DIY store.
- 6.12 In relation to the assessment of alternative sites, the submitted Retail Sequential Assessment (RSA) indicates that a ‘short list’ of 30 sites and premises have been subject to detailed consideration. Avison Young consider that, of these 30 sites, focus for the Council’s assessment of the sequential test should be Kings Quarter, Blackfriars, Monk Meadow, The Peel Centre and Quedgeley District Centre.
- Kings Quarter*
- 6.13 Policy SA08 of the Pre-submission Gloucester City Plan (2011-2031) allocates Kings Quarter for “mixed use development, residential, retail, employment, hotel and leisure use, city centre parking. A hybrid planning application (ref. 18/01454/FUL) has now been submitted for:
- Full planning permission for a mixed-use development, multi-storey car park, residential (C3), commercial/retail (A1/A2), food and drink (A3/A4), office space (B1) and ancillary exhibition space (D1); and
 - Outline planning permission for residential (C3), commercial/retail space (A1/A2/A3/A4/B1), hotel (C1) and office (B1).
- 6.14 In its original advice Avison Young concluded that the Kings Quarter area to be a suitable

alternative for the originally fixed main centre uses (the hotel/restaurant and restaurant/take-away).

- 6.15 However, following the amended description of development to include the Class A1, DIY store as a fixed element of the planning application, Avison Young have confirmed that all of the proposed town centre land use elements of the revised scheme cannot, in their opinion, collectively be accommodated in the Kings Quarter proposal.

Blackfriars

- 6.16 The heading in the Retail Sequential Assessment suggests that the applicant has assessed the Greater Blackfriars area of the City Centre. However, the applicant has assessed the area of land adjacent to Eastgate Shopping Centre, which is not a suitable alternative for the relevant main town centre land use elements of the proposal on Eastern Avenue.

- 6.17 The Greater Blackfriars area is a residential-led mixed use redevelopment to also include student accommodation, retail and ancillary town centre uses. The main part of the allocation covers the former HM Prison site and an area to the north which is subject to an approved Local Development Order ('LDO'). The LDO allows for Class A retail uses but does not allow for hotel uses and therefore this area of the Greater Blackfriars site will not be suitable.

- 6.18 Planning permission has also been granted for the redevelopment and refurbishment the former prison and, again, this does not allow for a hotel use and therefore is not a suitable alternative to the application site.

The Peel Centre

- 6.19 The Peel Centre is better connected and more accessible in relation to Gloucester City Centre than the application site. There is a current large vacant unit within the retail park (the former Toys R Us store) and sufficient space to allow an external garden centre to be relatively easily provided. However, the representations from WYG (on behalf of Peel) do not suggest that the other main town centre land uses elements could be accommodated within the site and none of the recent planning permissions obtained at the Peel Centre make provision for any restaurant, take-away or hotel uses. On this basis Avison Young do not consider the Peel Centre to be a suitable alternative for the main town centre land use elements of the proposed development.

Monk Meadow Dock

- 6.20 Monk Meadow Dock lies adjacent to the Sainsbury's supermarket and to the west of the Peel Centre. This site forms part of the wider Gloucester Quays masterplan area and has been subject to permission for a mixed use development. However, in recent years amendments have been made to the masterplan and a reserved matters application for largely residential development across this site has been granted and the development has now been commenced. Therefore, whilst this site is large enough to accommodate the hotel/restaurant and restaurant/take-away uses, plus some car parking, it is now not considered to be available for the development of such uses.

Quedgeley District Centre

- 6.21 Quedgeley District Centre is split into two parts on either side of Bristol Road, with the Tesco supermarket and a collection of small retail units to the west and a collection of large retail units to the east. There are currently two vacant units in the District Centre previously occupied by Brantano and Next.

- 6.22 Avison Young consider that it is entirely possible to accommodate the proposed Class A1 DIY store within these two units (if combined). The amount of floorspace is large enough when reasonable flexibility is taken into account and it should be noted that some DIY stores do accommodate sales and storage areas within mezzanine floors. However, there are not any sites or premises within or on the edge of the district centre which could be made available to

accommodate the hotel/restaurant and restaurant/take-away.

- 6.23 In addition, planning permission was granted at Committee on 3rd September for the change of use of the former Next store to a gym (ref. 19/00537/FUL). The proposal would take both floors of the unit and it is understood that Energie Fitness are committed to occupy the unit. The result of this will be that the only vacant and 'available' unit in the District Centre would be the former Brantano store which is too small to accommodate any elements of the proposal, even allowing for flexibility.

Retail Impact Assessment

- 6.24 The NPPF states that impact assessments should be required for retail developments over 2,500 square metres or any local threshold for out-of-centre retail developments that are not allocated in a local plan. The Practice Guidance (PG) clarifies that this refers to "*the gross retail floorspace defined as the total built floor area measured externally which is occupied exclusively by a retailer or retailers, excluding open areas used for the storage, display or sale of goods*". The proposed floorspace of the town centre uses exceeds this threshold.
- 6.25 Policy SD2 of the JCS notes that proposals for retail other main town centre uses that are not located in a designated centre, and are not in accordance with a policy in either the JCS or District plans, will be robustly assessed against the requirements of the sequential test and impact test, as set out in National Planning Policy Framework and national Planning Practice Guidance, or locally defined impact assessment thresholds as appropriate. There is not a locally set impact assessment threshold and therefore Gloucester City Council currently relies upon the national default impact threshold of 2,500sq m gross.
- 6.26 Within the NPPF impact assessments relate to just retail and leisure uses and therefore the relevant content of this application is the food and beverage floorspace in the restaurant/take-away unit, the restaurant element of the hotel/restaurant use and the Class A1 DIY retail store. For the avoidance of doubt and based upon the definition in the annex to the 2018 NPPF, the DIY store should be classed as a retail use and the food and beverage floorspace would be a leisure use.
- 6.27 Avison Young conclude that it appears that based upon the Class A1 retail floorspace remaining as a single DIY store, and controls placed on the amount of food and beverage floorspace to be provided, there are unlikely to be any materially harmful impacts on defined 'town centres' from this proposal by itself.

Retail Policy Conclusion

- 6.28 In advising the City Council Avison Young conclude that, following the amended description of development to include the Class A1 DIY store as a fixed element of the planning application, that all of the proposed town centre land use elements of the revised scheme cannot, in their opinion, collectively be accommodated on a sequentially preferable site in Gloucester and that the provisions of the development plan and national planning policy insofar as the Sequential Test is concerned has been met. Avison Young have suggested a condition to ensure that the DIY store be constructed as part of the initial phase of development. However officers do not consider that this would meet the statutory tests for applying conditions in that it would be unreasonable to do so. It is also accepted that the proposal would not have a significant adverse impact on any centre.
- 6.29 On this basis there are no outstanding retail planning policy objections to the application, and it is considered that the proposed development would accord with retail policies in the NPPF and Policy SD2 of the JCS.

Design, Layout and Landscaping

- 6.30 The NPPF emphasises the importance of high quality and inclusive design for all development.

JCS Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design while Policy SD6 requires development to protect or enhance landscape character.

- 6.31 The proposed buildings range in size from single storey up to three storeys with roof forms varying between curved roofs and traditional pitch roofs.
- 6.32 The proposed employment units would be located to the rear of the site in a two storey terrace providing screening to the railway line. Principle entrances would be to the front of the units. The proposed DIY warehouse would be sited in a fairly central position fronting onto Eastern Avenue with a car park to the front. An enclosed garden centre and delivery area would be located to the rear of the unit.
- 6.33 The proposed hotel/pub/restaurant would be sited in the south eastern corner of the site with landscaping along the Metz Way and Eastern Avenue boundaries. The proposed drive-thru restaurant would be located adjacent to and directly to the north east of the hotel.
- 6.34 The proposed materials have been selected to blend with the surrounding area and include red brickwork, cladding and render. Feature glazing and canopies are incorporated into the terrace of employment units, the DIY store and drive-thru restaurant. The drive-thru restaurant and DIY store include a barrel roof design. The design and articulation of the hotel/restaurant building has a pitch roof but does include materials constant with the remainder of the site to try and provide a cohesive development across the site.
- 6.35 The existing trees alongside south western boundary, outside the application site, would be retained. Amended landscaping plans have also been received introducing additional tree planting and amended tree species to address the recommendations of the Tree Officer, both within the car parking area and along the site boundaries. Overall there would be a net gain in tree cover with in excess of 50 new trees across the site.
- 6.36 The scale and massing of the proposed units is what you would expect to see in this type of location. There is a good amount of landscaping proposed within the car park and along the roadside.
- 6.37 Overall it is considered that the proposals are in keeping with the character of the area and appear more cohesive and are considered to be in line with Policy SD4 of the JCS and policies in the NPPF. No objection is raised by the Urban Design Officer subject to the inclusion of a condition requiring the submission and approval of samples of the proposed materials.

Traffic and transport

- 6.38 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

Site Location

- 6.39 The site is located to the southeast of Gloucester City Centre on the Eastern Avenue corridor which comprises mainly industrial land use with existing access via a service road with slip roads on and off northbound Eastern Avenue and Chancel Close which has a priority junction onto the service road to/from Eastern Avenue.

Highway Safety

- 6.40 The submitted Transport Assessment includes a review of Personal Injury Collision (PIC) data to ascertain safety conditions on the local highway network. PIC data has been obtained for the five-year period from 1st January 2013 to 31st December 2017 in the vicinity. A further collision

record check has been undertaken from 1st January 2019.

- 6.41 The Highway Authority accepts that the PIC data does not indicate highway safety issues near the site, is considered typical in occurrence or frequency of highly traffic and signalized urban corridors, or due to obvious driver/pedestrian/cyclist error.

Walking and Cycling Accessibility

- 6.42 The Transport Assessment is supported by a 'Non-Motorised User Audit / Pedestrian Environment Review' which has been updated in the TA Addendum.
- 6.43 There are footways provided along both sides of Eastern Avenue. A shared cycle/footway is available along the north-western side. The development proposals include improvements to this to provide a 3m wide shared cycle/footway along the development frontage. This would be linked to toucan crossings at the proposed access junction between Chancel Lane and Eastern Avenue. The proposed crossing would be improved with reduced crossing stages and increased pedestrian crossing times.
- 6.44 North of the development site, a pelican crossing is provided over Eastern Avenue at the Eastern Avenue / York Road junction. South of the application site at the Eastern Avenue / Metz Way junction the footways and cycleways link into the surrounding pedestrian/cycle network.
- 6.45 Metz Way has a shared cycle/footway along the south-western side which extends from Eastern Avenue to Gloucester City Centre and to the south of Eastern Avenue / Metz Way are shared cycle/footways along both sides of the carriageway.
- 6.46 The Walking and Cycling Audit refers to GCC pedestrian/cycle improvements at the Eastern Avenue / Metz Way junction, Metz Way between Eastern Avenue and Eastbrook Avenue and Eastern Avenue. These include; toucan crossings, cycle/footway connections, enlarged refuge islands with renewed tactile paving, rationalised cycle directional signs and crossing/kerb treatments.
- 6.47 The majority of these works around the Eastern Avenue/Metz Way junction have been provided as part of the County Council upgrade works of this junction, however improved crossings with tactile drop kerb paving are required around the site accesses onto the Eastern Avenue slip road which are illustrated.
- 6.48 Overall, pedestrian and cyclist accessibility to/from the site is available from the north, south and east, with the local infrastructure providing fair connections from residential areas and from the City Centre. However, there will be improvements to these routes either through GCC schemes, or through the development proposals.

Public Transport Accessibility

- 6.49 The nearest bus stops are located on Metz Way to the north and south of the site. These are approximately 400m walking distance from centre of the site. These stops are served by bus routes 8 (Quedgeley-Gloucester city centre-Brockworth) every 203-minutes and 49 (College/School bus service). These stops comprise a flag and pole arrangement with limited other infrastructure available.
- 6.50 In accordance with National Planning Policy Framework paragraph 108 and 110 it is considered appropriate to maximise public transport use to and from the application site and the Local Highway Authority recommend that this should be achieved by the upgrade of the northbound stop south east of the Eastern Avenue junction on Metz Way. It is recommended that these improvements be secured by condition.
- 6.51 In addition for provision is also sought for of a new southwest bound bus stop on Metz Way along

the southern boundary of the site northeast of the Eastern Avenue / Metz Way junction. These stops should include new shelters, passenger information systems and connecting footways and alterations to existing Metz Way highway layout and alignment. It has been considered these new and upgraded bus stops shall be secured via S278 Highway Agreement.

- 6.52 The nearest railway station is Gloucester Railway Station, located approximately 1.5km to the northwest of the site.

Design and Layout

Vehicle Access

- 6.53 The application proposes to form an all-movement signalized T-junction with Eastern Avenue via Chancel Close on the north eastern edge of the site. To the north west a priority junction would be created between the access road and Chancel Close.
- 6.54 To the south east, the existing main access point to the site would be formalised to provide an in-only access served off Eastern Avenue. This forms a wider consolidation of vehicle access in this location, with the existing service road proposed to be stopped up. Following comment that the proposed alignment has the potential to encourage excessive vehicle speeds off Eastern in terms of the interaction with pedestrian / cycle crossing movement the corner radii has been reduced to 20m which is considered to be appropriate.
- 6.55 The site access proposal has been subject to a Stage F/1 Road Safety Audit (RSA). Two of the three design issues raised by the auditor were accepted by the design team and will be implemented as part of the design process. One issue related to the interaction between the existing access to the Magnet Trade car park and the proposed signalised junction. The RSA stated that the close proximity between the access and the proposed junction could lead to an increased risk of rear end shunt type collisions between vehicles turning into Chancel Close from proposed junction and vehicles waiting to turn right into the car park. As a result, it was recommended that the access nearest the junction should become egress only. The design team provided tracking to demonstrate that a vehicle waiting to turn right can do so without obstructing vehicles turning onto Chancel Close with appropriate forward visibility maintained through the left turn movement from Eastern Avenue onto Chancel Close.
- 6.56 It is proposed to stop up of the existing service road which runs parallel to Eastern Avenue to the south of the site. The proposals are to use this as an opportunity to provide an improved 3m wide shared footway / cycleway along the southern site boundary. This will be subject to the stopping up process under the S247 of the Town and Country Planning Act.

Estate Road

- 6.57 The two primary vehicle accesses from Eastern Avenue would be connected by way of an estate road that would pass through the site and provide access to each individual plot within the development. The south eastern access off Eastern Avenue would become entry-only. Directly to the north of the access to the DIY Retail Warehouse, the estate road widens to allow two-way access with appropriate signage to warn vehicles that this section of the estate road is one-way.
- 6.58 The remainder of the estate road would be a minimum 6.5m width and can accommodate two-way HGV movement along the majority of the route (including access to the site from Chancel Close). This has been demonstrated through Swept Path Analysis (SPA).
- 6.59 SPA has been demonstrated for access to each individual plot using the largest vehicle expected to require access showing sufficient turning space for turning and forward gear egress.
- 6.60 Appropriate levels of visibility in terms of forward visibility and visibility at accesses / junctions are provided showing visibility splays from each point of access within the development and along the estate road on Visibility Plan 18325-12 in accordance with Manual for Streets (MfS)

requirements for a 20mph road

- 6.61 SPA of the proposed servicing yard has been provided using an HGV. This shows the service vehicle entering via one gate and leaving using the other. It is considered that turning space for forward gear entry/exit is possible of the delivery yard.
- 6.62 Sufficient waste storage and access for waste and emergency vehicles is also available.

Parking

- 6.63 The parking allocation for the site (as a whole, and its constituent uses) has been determined using TRICS arrival and departure data to derive a parking accumulation for each land use. A sensitivity test was built-in to this assessment for the retail land use to account for shorter dwell times.
- 6.64 The operational assessment confirmed that the proposed parking allocation is sufficient for all land uses, and in most cases a level of contingency is afforded in the allocation to cater for fluctuations in demand.
- 6.65 Disabled parking has been provided in line with relevant local standards.
- 6.66 Electric vehicle charging spaces are sought by the Highway Authority throughout the layout in convenient locations with a minimum of 2% of total parking provided as electric charging spaces or at least one per car park for uses whichever is greater.
- 6.67 The Applicant proposes a combination of short and long stay cycle parking stands for each unit. 106 cycle parking spaces would be provided in total in convenient locations near to associated buildings sufficient for estimated use based on TRICS demand allowing for future growth.

Pedestrian and Cycle Provision

- 6.68 Suitable 2m footways and 3m shared footway / cycleways would be provided within the site. This will correspond with provision on the wider network notably the proposed upgraded pedestrian / cycle route along Eastern Avenue illustrated on the site plan in the vicinity of the site.
- 6.69 Pedestrian crossings in the form of dropped kerbs and tactile paving are proposed to be provided on junctions on the estate road and, where appropriate, to align with key pedestrian desire lines.
- 6.70 The proposed Eastern Avenue signal junction would provide an additional pedestrian/cycle crossing connection over Eastern Avenue between Eastbrook Road and York Road.
- 6.71 Suitable demarcated pedestrian pathways from all parking spaces to building entrances for all user accessibility and wayfinding connections and improved safety to and within the site would be provided.

Traffic Generation

- 6.72 Traffic generation for the proposed development has been calculated using trip rates derived from the TRICS database. The total two-way traffic generation for the proposed development, as set out in Table 12 of the TA, is 139 movements during the AM peak hour (08:00-09:00), 210 movements during the PM peak hour (17:00-18:00) and 421 movements during the weekend peak hour (12:00-13:00).
- 6.73 The analysis has taken account of potential sub-division of the DIY retail unit, garden centre/nursery to rear of the DIY unit and higher predicted restaurant/ pub trips which given no discount has been made for linked trips.
- 6.74 Overall, the total trip generation for the proposed development is acceptable.

Development Traffic Distribution and Assignment

- 6.75 Traffic has been assigned to the north and south of the site using online routing software, which assigns 60% of traffic to the north and 40% to the south. This distribution/assignment is agreed. Traffic generated by the 'Industrial' development has been assigned on this basis.
- 6.76 All remaining development traffic has been assigned using a GIS-based gravity model, based on the MSOA population within a 20-minute drive-time catchment of the development. 37% of traffic has been assigned to the north and 63% of traffic has been assigned to the south. The proportions seem reasonable, with gravity model calculations.

Traffic Impact Assessment

- 6.77 The traffic impact assessment focuses on the operation of the proposed signal-controlled access junction (Eastern Avenue / Chancel Lane), which would have linked operation with the Eastern Avenue / York Road junction to the northeast.
- 6.78 The traffic impact assessment considers the following assessment scenarios:
- 2017 Existing Year;
 - 2023 Without Development; and
 - 2023 With Development.
- 6.79 To create future year scenario traffic flows, surveyed flows have been 'growthed' to 2023 using growth factors derived using TEMPro and factors accepted by GCC. The assessment has included TEMPro committed developments and considered Local Planning Authority confirmed developments.
- 6.80 The traffic impact assessment has assessed the network peak hours as follows:
- Weekday AM (08:00-09:00);
 - Weekday PM (17:00-18:00); and
 - Weekend (12:00-13:00).
- 6.81 A review of the MCC surveys conducted at the assessment junctions indicates that the network peak hours are the hours commencing 07:45, 16:30 and 11:45 respectively. However, the chosen peak hours represent over 95% of the actual peak hours.
- 6.82 Given traffic flows have not been discounted to account for only 'new' trips to the network accounting for pass-by, diverted or transferred trips it is considered a robust assessment.

Junction Capacity Modelling

- 6.83 The Eastern Avenue / York Road and proposed signalised site access junction have been assessed using a LinSig network model.
- 6.84 Outputs from the LinSig models include Degree of Saturation (DoS) and Mean Maximum Queue (MMQ). Lanes are considered to operate at practical capacity when their DoS is at 90% and operate at absolute capacity where the DoS is at 100%.
- 6.85 The results of the TA modelling indicate that the linked junctions would continue to perform within practical capacity during the 2023 Base + Development scenario.
- 6.86 The weekend peak hour is the worst performing scenario with Practical Reserve Capacity (PRC) at 26.7%. The greatest impact from the development is experienced at the site access junction (which shows DoS increases of 4-9% during the AM peak hour, 7-14% during the PM peak hour and 10-24% during the weekend peak hour) and on the Eastern Avenue offside lane approach to York Road (which shows DoS increases of up to 20% across the AM and weekend peak hour) however all lanes perform within practical capacity in the 2023 Base + Development scenario.

The greatest overall development impact is experienced during the weekday PM peak hour, with PRC decreasing by 3% from 61% to 58%. There are also minor beneficial impacts to junction performance associated with the optimisation of signal times across the junctions.

- 6.87 The capacity assessments have been updated in the TA addendum to account for the improved pedestrian crossing with increased pedestrian crossing time from 45 seconds to 90 seconds which still demonstrates the signal junction on Eastern Avenue would operate within capacity.

Travel Plan

- 6.88 The NPPF Paragraph 36 states that all significant generators of traffic movements should be required to provide a Travel Plan. JCS Policy INF1 provides that applications may be required to be accompanied by a Travel Plan. The Travel Plan should be formulated in accordance with the GCC Travel Plan Guidance for developers.

- 6.89 The Department for Transport (DfT) defines a travel plan as “a long term management strategy that seeks to deliver sustainable transport objectives through positive action”. Such plans could include; car sharing schemes, commitment to improving cycle facilities, dedicated bus services or restricted parking allocations. A successful Travel Plan should offer users whether they are employees, residents or visitors a choice of travel modes from sites or premises.

- 6.90 The FTP has set out a 10% reduction in single occupancy vehicles over the five-year implementation period of the TP, which would be an acceptable target as an overarching aim of the FTP. The Full TPs will be required to set their own targets in line with these framework targets.

- 6.91 The FTP states that the FTPC role will be funded for up to five years, which is required to be a commitment for a minimum of 10 years.

- 6.92 The measures identify car share spaces, shower/changing facilities and electric car charging points as ‘detailed design’ features but state that these will be “considered”. However, appropriate levels of shower/changing facilities for the current application are required and it is recommended that this element is conditioned. The designation of car share spaces and electric charging points can be dealt with within the Full TPs but charging points specified as a condition percentage for car parking.

- 6.93 Financial incentives will be sought for the Full TPs. GCC should be consulted regarding the activation of any remedial measures at the site.

- 6.94 The TP includes an Action Plan although will need to include more measures to manage parking on the site and therefore action plan measures would be clarified including contingency/remedial measures.

- 6.95 A monitoring period of ten years from GCC Travel Plan guidance is sought, equating to a monitoring fee of £10,000. The responsibility and associated costs for undertaking monitoring surveys and producing and submitting monitoring reports to GCC as with the FTP remains with the developer or the third party appointed by the developer.

Highway Conclusion

- 6.96 Based on the above assessment Gloucestershire County Council recommend no objection subject to a S278 agreement for the highway works including; the signalised junction, footway and cycleway connections, and new bus stop infrastructure on Metz Way north and south of the Eastern Avenue junction. A contribution is sought of £10,000 for a Travel Plan monitoring fee.

- 6.97 A Stopping up order will be required for existing highway on the existing service along Eastern Avenue adjacent to the site Eastern Avenue.

Residential amenity

- 6.98 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.99 The nearest residential properties are approximately 100 metres away from the site at York Road on the opposite side of Eastern Avenue.
- 6.100 A Noise Assessment has been undertaken on behalf of the applicant and submitted in support of the application. This has been reviewed by the City Centre Improvement Officer (Environmental Protection). It is proposed that control over process/plant noise is retained through the use of a planning condition which would require the submission of plant details and attendant noise control provisions to be submitted to and approved by the Local Planning Authority. Subject to appropriate mitigation it is considered that noise levels would be reduced to a satisfactory standard to ensure any potential adverse impacts were minimised and would fully comply with the requirements of the NPPF.
- 6.101 An Air Quality Assessment has also been submitted which deals with the evaluation of potential effects, road traffic emissions, mitigation measures in addition to residual effects.
- 6.102 With regard to the potential impact on the existing AQMA on Barton Street and the closest diffusion tubes located on Eastern Avenue resulting from the road traffic associated from the finished development, the assessment indicates an impact of imperceptible magnitude and negligible significance.
- 6.103 A Construction Dust Assessment (CDA) has been undertaken and is included as Appendix B of the AQ assessment. As a result, the pre-mitigation risk of dust soiling has been assessed as Medium Risk for three of the construction stages (Demolition, Construction and Trackout) and High for Earthworks. The human health risk was considered Low or Negligible but medium for Earthworks, and the ecological sensitivity has been assessed as Low/ Negligible.
- 6.104 The Environmental Protection officer has reviewed the submitted Noise and Air Quality Assessments and is satisfied that the development could be designed to avoid unacceptable impact on the living conditions of the occupants of the closest residential properties and no objection is raised to the application subject to conditions.

Drainage and flood risk

- 6.105 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.106 A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. The report confirms that the proposed employment uses, and DIY store fall within the 'less vulnerable' classification, with the hotel/pub/restaurant considered to be a 'more vulnerable' use in terms of flood classification. The report confirms that the site is primarily located within Flood Zone 1 with a small localised area being within Flood Zone 2 along the north eastern boundary. This is, however, inconsistent with the topographical survey levels which appear to show the Flood Zone 2 area outside the site in Chancel Close. A sequential approach has been undertaken to the site layout with the more vulnerable land uses sited in parts of the site with the lower flood risk.

- 6.107 The Assessment found that the risk of flooding from fluvial, pluvial, groundwater and tidal sources are low. It is considered that the proposed development, with the inclusion of a SUDs drainage system will ensure that flood risk from surface water will not increase in the wider catchment.
- 6.108 Overall, the assessment confirms that the site and proposed development is at low risk to flooding from fluvial or other artificial sources, at low risk to flooding from existing sewers, and at low risk of groundwater flooding and tidal flooding. The LLFA and City Council's Drainage Engineer raise no objections to the application subject to the inclusion of a condition.

Land contamination

- 6.109 Policy SD14 of the JCS requires that development proposals incorporate the investigation and remediation of any land contamination.
- 6.110 The site is currently vacant and was most recently used as a drinks distribution facility. Historically the site was part of a Royal Air Force facility during the Second World War, known as RAF Barnwood, and identified on more recent historic maps as a depot.
- 6.111 A Geo Environment Assessment has been submitted in support of the application which includes details of a site walkover, details of the sites environmental setting and environmental sensitivity, the history of the site and surrounds together with the development of an initial conceptual model. The second half of the report includes details of an intrusive investigation which involved the drilling of boreholes to enable sampling for geotechnical and environmental purposes including soil and ground water sampling and leachate testing. A revised conceptual model is included in the report as well as conclusions and recommendations. It is noted that additional works were undertaken between the two geo environmental reports being issued including additional groundwater and further gas monitoring.
- 6.112 The City Council's Contaminated Land Advisors (WRS) is satisfied that the geo environmental assessment has been undertaken in accordance with current guidelines and follows good practice and protocol and also agrees with the recommendations for further works and the development of a remedial strategy. No objection is raised subject to the inclusion of a condition.

Ecology

- 6.113 Policy SD9 of the JCS provides that the biodiversity and geological resource of the JCS will be protected and enhanced
- 6.114 The site is predominantly covered with a concrete hard surface with limited vegetation along the site boundaries. A Phase 1 Habitat Survey and preliminary Ecological Appraisal has been undertaken. The report concludes that the existing site includes species of poor semi improved grassland, tall ruderal, ornamental planting, amenity grassland, trees, buildings and hardstanding. There are, however, a number of trees on or adjacent to the development site and mammal runs within the southern corner of the site
- 6.115 The report identifies that there is limited potential for protected and/or notable species and that the development itself should not have a detrimental impact on the any habitats and/or species, a precautionary approach is recommended for the construction of the proposed development.
- 6.116 The proposed development seeks to retain and protect some of the limited existing vegetation with the proposed landscaping scheme designed to enhance the local biodiversity to include native species and the provision of bird and bat boxes.

Economic considerations

- 6.117 The construction phase would support employment opportunities. It is also estimated that the

proposals would provide approximately 295 full time equivalent jobs. Therefore, the proposal would have a significant economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.

Conclusion

6.118 This application has been considered in the context of the policies and guidance referred to above. Overall, the proposal would result in the redevelopment of a prominent vacant brownfield site in a sustainable and accessible location. The proposal would also provide considerable economic benefits with the creation of employment both during and post construction. The proposal is consistent with those policies and guidance in terms of retail policy, design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

7.1 That authority be delegated to the City Growth and Delivery Manager to GRANT planning permission subject to the following conditions and the completion of a Section 106 obligation to secure £10,000 for a Travel Plan monitoring fee.

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawings:

- 8437 PL01 Rev H - Site Plan
- 8437 PL06 Rev A - Site Location Plan
- 8437 PL10 Rev D Unit 1 – Floor Plan
- 8437 PL11 Rev D - Units 2, 3 & 4 Floor Plans
- 8437 PL12 Rev D – Units 5 & 6 Floor Plans
- 8437 PL13 – Unit 1 Elevations
- 8437 PL14- Units 2, 3 & 4 Elevations
- 8437 PL15 – Units 5 & 6 Elevations
- 8437 PL20 Rev F – DIY Retail Warehouse Floorplans
- 8437 PL21 Rev A – DIY Retail Warehouse Elevations
- 8437 PL30 Rev B – Drive Thru Plans an Elevations
- 4198 P104 Rev E – Marstons Site Plan
- 4189 P105 – Marstons GF & FF Plans
- 4189 P106 – Marstons SF & Roof Plans
- 4189 P107 Rev A – Marstons Elevation Sheet 1
- 4189 P108 Rev A – Marstons Elevation Sheet 2
- 1811-18-01 Rev I – Planting Plan (Sheet 1 of 2)
- 1811-18-02 Rev H – Planting Plan (Sheet 2 of 2)
- 1811-18-03 Rev A – Landscape Concept Sections

Except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

No development hereby permitted shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented and maintained thereafter in strict accordance with the approved SuDS management and maintenance plan.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Condition 4

The drainage scheme shall be implemented in accordance with the approved details set out in the Flood Risk Assessment and Drainage Strategy prepared by Complete Design Partnership Ltd dated 1st July 2019 (Ref. 17-7295-FRA, Issue 5) before the development is first brought into use and shall be similarly maintained thereafter.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Condition 5

No development, other than that required to be carried out as part of an approved scheme of remediation, shall commence until Parts 1 to 5 have been complied with:

1. Additional site investigation must be carried out as detailed in *WSP Supplementary Ground Investigation Report* and *WSP letter response dated 7th February 2019* and any subsequent site investigation works considered necessary following the completion of these works (for delineation purposes for example). Details of these works and the findings should be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
2. Following completion of the additional site investigation a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and submitted to and approved in writing by the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the occupation of any buildings.
5. In the event that contamination is found at any time when carrying out the approved

development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 6

No building on the development hereby permitted shall be occupied until the approved access works (including the signal controlled junction on Eastern Avenue, cycleway, carriageway, footways, surface water drainage/disposal and street lighting) have been completed in their entirety and new junction signals linked with the Eastern Ave/Metz Way and Eastern Ave/York Road junctions have been provided.

Reason

In the interest of highway safety; to ensure safe and suitable access has been provided for all people in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

Condition 7

Prior to commencement of the development hereby permitted the existing highway serving the site shall be stopped up/diverted in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and to ensure safe and suitable access has been provided for all people minimising conflict in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

Condition 8

The development hereby permitted shall not be occupied until details of a new southeast bound bus stop on Metz Way northeast of the Metz Way / Eastern Avenue junction as shown on Drawing 18325-18B, have first been submitted to and approved in writing by the Local Planning Authority. The details to be implemented prior to occupation shall include a bus stop with real time information (RTPI), bus shelter, and connecting footways into the site.

Reason

To ensure that the appropriate opportunities to promote sustainable transport modes can be taken up in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

Condition 9

The development hereby permitted shall not be occupied until the existing northeast bound bus stop on Metz Way southwest of the Metz Way / Eastern Avenue junction has been upgraded with a shelter, Real Time Passenger Information (RTPI) and associated infrastructure according to details which shall first be submitted to and approved by the Local Planning Authority.

Reason

To ensure that the appropriate opportunities to promote sustainable transport modes can be taken up in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

Condition 10

The development hereby permitted shall not be occupied until the pedestrian and shared pathway connections shown generally on plan 8437 PL01 Rev H and Transport Assessment Addendum 18325-17 have been completed with tactile crossings from the south eastern side of the proposed Eastern Avenue signalised pedestrian crossing point across the verge and parallel to the Eastern Avenue access road linking to its south eastern footway.

Reason

To ensure that the appropriate opportunities to promote sustainable transport modes can be taken up in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

Condition 11

No development shall take place, including any demolition works, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. provide measures to control the emission of dust and dirt during construction;
- viii. provide a vehicle routing strategy.

Reason

To reduce the potential impact on the public highway

Condition 12

Notwithstanding the submitted details prior to occupation of the development hereby permitted a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out;

- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. means of funding of the travel plan, and;
- v. an implementation timetable including the responsible body for each action.

Prior to occupation of each individual unit a Travel Plan for that unit, which shall be in general accordance with the Framework Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plans so approved shall be implemented in strict accordance with the provision and timescales set out within them.

Reason

The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

Condition 13

Prior to any part of the proposed development hereby permitted first being brought into use the first 20m of the proposed access roads, including the junctions with the existing public road, shall be completed to at least binder course level.

Reason

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition 14

No building hereby permitted shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) and the footway(s) providing access from the nearest public highway to that building have been completed to surface course level.

Reason

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 the National Planning Policy Framework.

Condition 15

The vehicular accesses hereby permitted shall not be brought into use until the visibility splays illustrated on plan Visibility Plan 18325-12 extending from the points back along the centre of the accesses measured from the road carriageway edge (the X point) to points on the nearer carriageway edge of the road in both directions (the Y points). Any obstruction within the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason

To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition 16

Prior to occupation of each individual unit hereby permitted covered cycle storage facilities for that unit shall be made available for use in accordance with the approved site plan ref: 8437 PL01 Rev H. Shower/changing facilities shall be provided for within each unit and those facilities shall be maintained for the lifetime of the development.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

Condition 17

The development hereby permitted shall not be brought into use until fire hydrants have been provided in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The fire hydrants so provided shall thereafter be maintained for the lifetime of the development.

Reason

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

Condition 18

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the approved site plan 8437 PL01 Rev H with at least 2% of spaces or 1 space per unit of general parking enabled for electric vehicle charging, and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

Condition 19

The retail unit hereby permitted shall be used only for the sale of DIY products for the maintenance and improvement of the home, garden and motor vehicle, together with no more than up to 30% of the net sales area of the retail unit hereby approved to sell the following products in isolation or collectively on an ancillary basis; carpets, furniture, furnishings, electrical goods, pets and pet supplies, office equipment, and any goods directly ancillary to these permitted uses and for no other purpose.

Condition 20

The gross internal floorspace of the approved DIY Retail Warehouse building shall not exceed 4703 sq. m (GIA). The retail unit shall not be subdivided.

Reason

To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a DIY Retail Warehouse.

Condition 21

Notwithstanding the submitted drawings, no development works above DPC level shall take place until details or samples of materials to be used externally on walls, roofs, windows and external doors, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance of the development.

Condition 22

Notwithstanding the submitted drawings, no development works above existing ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatments. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out and thereafter maintained in accordance with the approved details.

Reason

In the interests of visual amenity.

Condition 23

No development works above existing ground level shall take place until a specification of the details for the tree planting pits within the areas of hard surfacing has been submitted to and

approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

Condition 24

The landscaping scheme as shown on the approved plans (drawing no. 1811-18-10 Rev I, 02 Rev H and 03 Rev A) incorporating the tree pits approved under condition 22, shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed or die shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

Condition 25

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until the tree protection measures identified in the Arboricultural Survey, Impact Assessment and Protection Plan, prepared by Barton Hyett Associates (ref. P.2639) have been provided. The tree protection measures shall be maintained during the course of the development.

Reason

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

Condition 26

Prior to first occupation of the development hereby permitted a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the lifetime of the development for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- ii. Materials and construction to ensure long lifespan of the feature/measure.
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. A timetable for when the features or measures will be installed and made available.

Reason

To secure biodiversity mitigation and enhancement.

Condition 27

No demolition, tree or shrub removal or clearance works shall take place between 1st March and 31st August inclusive unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the site during this period and a scheme to protect the nesting bird interest on the site

have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and in accordance with Policy B.8 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 28

No individual unit hereby permitted shall be first occupied until an acoustic assessment, in accordance with BS4142:20014, of the proposed mechanical plant to serve that unit has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details of any mitigation measures required to control noise emanating from the site. The approved scheme for each unit shall be implemented before the first occupation of that unit and maintained for the lifetime of the development.

Reason

To protect the amenity of the occupiers of nearby properties.

Condition 29

The construction dust mitigation measures recommended in paragraphs B18-B22 in Appendix B of the Air Quality Assessments prepared by Mayer Brown Limited, (22522-BBFGloucester(A).9 Rev 2), shall be implemented and fully operational prior to and for the duration of the demolition and construction phases.

Reason

To minimise the impact on air quality.

Condition 30

No above-ground development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise overall waste and to maximise re-use, recycling and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include: -

- i) Information on the type and amount of waste likely to be generated prior to and / or during the construction phase;
- ii) Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and
- iii) Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved.

Reason

To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

Condition 31

No above ground development relating to each individual unit shall commence until full details of the provision made for facilitating the recycling of waste generated during the occupation phase of that unit have been submitted to and approved in writing by the Local Planning Authority. The

details to be submitted shall include appropriate and adequate space and necessary infrastructure to allow for the separate storage of recyclable waste materials. All details shall be fully implemented in accordance with the approved details for each unit before that unit is first brought into use.

Reason

To ensure the effective implementation of waste minimisation in accordance with Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

Notes

Note 1

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works S278 and S106 Agreement (including an appropriate bond) with the County Council before commencing those works.

Note 2

You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247 and 248 of the Town and Country Planning Act 1990. Please see www.gov.uk/government/publications/stopping-up-and-diversion-of-highways or contact the National Transport Casework Team at nationalcasework@dft.gov.uk

Note 3

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

Note 4

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 5

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no

requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 6

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Note 7

For the avoidance of doubt, the reference to 'unit' within the conditions set out on this decision notice refer to the DIY Retail Warehouse, 44 bedroom hotel and drive-thru restaurant which each constitute an individual 'unit' for the purposes of this decision.

Person to Contact: Caroline Townley (396780)

Planning Application: | 18/01444/FUL

Address: | Former Interbrew Eastern
Avenue Gloucester GL4 6SW

Committee Date: |